

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 140 By Senator Riser

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

ENVIRONMENTAL CONTROL. Provides relative to careless handling of a hazardous material and the reimbursement of certain emergency response costs. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical Legislative Bureau amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

Riser (SB 140)

Present law provides that any person who handles, stores, or otherwise maintains a hazardous material in a wanton and reckless manner without regard for the hazards of the material or of the circumstances of such use, storage, or handling will be guilty of careless handling of a hazardous material.

Proposed law changes the present law to provide that any person who handles, stores, or otherwise maintains a hazardous material in a negligent or unreasonable manner without regard for the hazards of the material and causes a significant impact to public health and safety as a result of a reportable release of such material will be in violation of proposed law.

Present law provides that the Department of Public Safety and Corrections (DPS&C) may levy a civil penalty on those guilty of careless handling of a hazardous material.

Proposed law retains present law but reduces the maximum civil penalty for careless handling of a hazardous material from \$25,000 to \$10,000 per violation.

Proposed law requires that any owner or operator who causes a reportable release that requires a significant emergency response by DPS&C to reimburse DPS&C for reasonable and extraordinary costs of the emergency response, including actions taken by the DPS&C to mitigate such release.

Proposed law provides that when DPS&C is reimbursed pursuant to the proposed law then it will not be eligible for additional reimbursement for the same incident from other response funds, including but not limited to the Hazardous Waste Protection Fund, the Motor Fuels Underground Storage Tank Trust Fund, and the Oil Spill Contingency Fund.

Proposed law exempts owners or operators of small businesses from a liability greater than \$25,000 for reimbursement of emergency response costs incurred by DPS&C.

Effective August 15, 2009.

(Amends R.S. 30:2373(D); adds R.S. 30:2373(F))

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